Criminal Appeal No.236 of 2001
(Old No. 1146/1985)

Hon'ble Irshad Hussain, J.

Heard Sri Raman Kumar Sah, learned counsel for the appellant and the learned A.G.A.

On 28.6.2002 warrant was directed to be issued against the appellant. The application to recall the same has been filed. The appellant is present in the court and in view thereof, the order is recalled.

The learned counsel for the appellant has filed the judgment of special criminal case no. 3 of 1985 u/s 3/7 Essential Commodities Act and by this judgment dated 19.12.1985 the appellant was held guilty of an offence punishable u/s 3/7 E.C.Act and was convicted and sentenced to imprisonment till the rising of the court and a fine of Rs. 2000/-. The appellant accused had earlier failed to appear before the learned Special Judge whereupon show cause notice was issued and the present appeal was filed against the show cause notice dated 17.4.1985. The appeal was not maintainable in view of the fact that no final order u/s 446 Cr.P.C. was passed against the appellant. In any case the appeal has become infructuous and is dismissed accordingly.

(Irshad Hussain, J.)

08.07.2002
M.P.S.